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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
Via fax to (571) 273-8300	GE998-005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on ___October 7, 2000___ Signature _Anne Vachon Dougherty_ Typed or printed name ___Anne VAchon Dougherty___	Application Number 09/492,632	Filed 01/27/2000
	First Named Inventor E. M. Hamann, et al	
	Art Unit 2131	Examiner Syed Zia

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number ___30,374___.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 ___

Anne Vachon Dougherty
Signature

___Anne Vachon Dougherty___
Typed or printed name

___(914) 962-5910___
Telephone number

___October 7, 2005___
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of _1_ forms are submitted.

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The Examiner has rejected Claims 1-15 under 35 USC 102 as
anticipated by the Schaefer-Lorinser patent.

The present invention teaches and claims a signature device,
such as a chipcard, which includes a signature program and
additional signature certificate information for providing an
expanded electronic signature to sign a document (page 6, lines
16-22). The signature device executes the signature program and
does not require that an external authenticating entity generate
the digital signature when the user is attempting to digitally
sign a document ("the external and internal information together
with the hash are merged on the chipcard 101", from page 13, line
14; "merger is effected by the chipcard program", from page 13,
line 18; and, "[t]his encryption takes place on the chipcard",
from page 14, lines 11-12). ***The digital signature includes an
identifier of the signature device as well as at least one
identifying characteristic indicating the hardware and software
environment used in generating the electronic signature*** (see:
page 3, lines 1-3; page 4, lines 1-4; page 13, lines 4-7; and
page 15, lines 6-9) as well as a document extract value
identifying the document which is being signed (see: page 12,
lines 19-20; and page 14, lines 23-24). All of the independent
claims, Claims 1, 9, 11, and 12 as amended, expressly recite that
the signature device stores the signature program which is to be
executed as well the necessary additional information so that it

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can perform digital signing of a document, and that the digital

signing incorporates **an identifier of the signature device**, as

well as **at least one characteristic** indicating the hardware and

software environment used in generating the signature, and **a**

document extract value for the document to be signed.

The Schaefer-Lorinser patent is directed to a system for

secured reading and processing of data on intelligent data

carriers, even when the terminal which is reading and processing

the data is not connected to a server for authentication of the

data carrier. Under the Schaefer-Lorinser system and method, the

data carrier (i.e., the chipcard) and the terminal exchange

cryptograms for authentication of the data carrier. Data used

for generating a cryptogram at the data carrier is encoded at the

data carrier when it is first issued (see: Col. 3, lines 51-55).

Similarly, data used for generating cryptograms at the terminal

is permanently stored at the terminal (see: Col. 4, lines 6-8),

so that connection to a server is not required for

authentication. As taught by Schaefer-Lorinser at Col. 3, lines

52-56, the data carrier/chipcard has a certificate "representing

an electronic signature". When the data carrier generates a

so-called "acknowledgment crytogram" (Col. 4, lines 61-64) that

is the electronic signature, $e3$, (see, Fig. 2) the data carrier

applies a signature function $Scard$ (defined at Col. 3, lines 65)

on a data set comprising the ID number of the data carrier, a

posting data record, DB, (see: Col. 4, lines 54-55) and a random

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number, R3, which has been generated by the terminal (se: Col. 4, lines 47-48).

The present invention first creates a signature data set which comprises the received input information, an identifier to identify the signature device, at least one identifying characteristic of the hardware and software environment used for generating said digital signature, and a document extract value. The Schaefer-Lorinser patent does not teach or suggest a step of creating a signature data set, let alone one which includes the recited data. Schaefer-Lorinser does not teach or suggest the existence or use of an identifying characteristic of the hardware and software environment used for generating the digital signature. Such is clearly taught by the present Specification, for example on page 13, lines 1-12, to include, in addition to an identifier, a signature counter value, an indication of the encryption method used, or an identifier of the program such as a license number or program serial number, and is now expressly claimed. The Examiner has stated, at the bottom of page 4 of the Office Action, that Schaefer-Lorinser includes a device identification number, which the Examiner analogizes to the claimed "at least one characteristic". However, the claims expressly recite that the signature data set includes *both* an identifier to identify the signature device *and* at least one identifying characteristic. Clearly, Schaefer-Lorinser does not provide both.

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Furthermore, the Schaefer-Lorinser use of a "posting data record" is not the same as or suggestive of a document extract value of a document for signing, as is taught and claimed for the present invention.   Schaefer-Lorinser's posting data record records the currency and amount of the debit and the posting number and time.   Such information is not a document extract value.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature.   Since the Schaefer-Lorinser patent does not teach the signature device and method as claimed, including means and steps for a signature device, having a signature program and certificate, to generate a digital signature which identifies the signature device and at least one characteristic of the environment used to generate the signature, and a document extract value for the document to be signed, it cannot be maintained that the Schaefer-Lorinser patent anticipates the invention as set forth in the independent claims, Claims 1, 9 and 11, and in all of the claims which depend therefrom.   Accordingly, Applicants believe that the Examiner erred   in   rejecting   the   claims   as   anticipated   by Schaefer-Lorinser.

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